



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,699	04/12/2000	Lyle Scheer	004300.P002	5674

7590 06/02/2003

Michael J Mallie
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
7th Floor
Los Angeles, CA 90025

EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 06/02/2003

H

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/547,699

Applicant(s)

SCHEER, LYLE

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/12/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10 are presented for examination.
2. Claims 1-10 are objected to because of the following informalities/issues:
 - (i) The terms "the central master server" and "the servers" appear to lack antecedent basis in claims 1 and 6, respectively;
 - (ii) The nomenclature "SSH" that appears in claim 5 is neither defined in the specification (see page 8), nor explained in the claim language; and
 - (iii) The term "synchronized" in claim 1 and the terms "synchronously" and "asynchronously" in claim 6 appear to have deviated from their traditional meanings but are not properly defined in its intended new usage. Specifically, the terms "synchronous" or "asynchronous" normally relate to the time characteristic of signals or data being transferred between two or more systems (for example, two systems are said to be synchronous when they are operating lockstep in time). However, in accordance with the description in the specification (pages 12-14) and claim 6, it appears that the applicant uses the term "synchronized" to refer initialization of two systems to the same state in relatively rough sense (e.g., once a day), and equates "asynchronous" to "autonomous" for situations when a master-slave pair loses the connection in between. However, it is not clear how do the originally synchronous systems transition into asynchronous systems when the communication network

Art Unit: 2783

becomes unavailable. It is further noted that the first network in claim 6 is being referred to as a network connecting the global and local servers, wherein the global and local servers have not been declared to having a master-slave relationship. For purpose of prior art rejections, the synchronous-asynchronous transitioning criterion is not applied to claim 6.

Clarification/correction in response to this office action is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al.(hereafter "Rogers") [U.S. Pub. 20010007086] in view of Paxhia et al.(hereafter "Paxhia") [U.S. Pub. 20020052935] and Walls et al.(hereafter "Walls") [U.S. Pat. No. 6348933].

5. As to claim 1, Rogers teaches the invention substantially as claimed including: a server network comprising:

- a global master server [150, 160 or 180, Fig.6];
- a local master server [170, Fig.6] coupled to the central master server via a first network and synchronized thereto; and
- one or more slave servers [e.g., 192-198, Fig.6; paragraph 54; i.e., since each individual equipment carries a unique TCP/IP address able to communicate information to a remote server, there must be a server embedded in each individual equipment] coupled to the local master server via a second network [i.e., the HTTP network] to perform manufacturing tasks to facilitate building products, the global master, local master and slave servers being programmed to perform different tasks [paragraphs 53-55].

Rogers does not specifically teach that the global master, local master and slave servers are programmed the same and the master or slave servers are automatically configured based on the interface of the server to which they are coupled.

However, Paxhia teaches that a plurality of WWW servers can be provided as instances of a same server program, wherein each server instance is associated with a configuration file [Abstract; Fig.3; paragraph 43-46]. Furthermore, Walls teaches that the functionality necessary for implementing a master server and slave servers may be derived from a single software copy, wherein each of the installed copies can be configured as a master or a slave server as appropriate [col.5, lines 7-18].

Based on the teachings of Paxhia and Walls, it is obvious that variations among different servers may be reflected in different configuration parameters, thereby allowing the servers to be derived from the same software.

Thus, it would have been obvious to one of ordinary skill in the art to have used a software template to program Rogers's global master, local master and slave servers, while resolving the differences by setting the configuration parameters differently, because Rogers's servers, though functioning at different hierarchy, are directed to the same application. For example, by deriving the master and slave servers from the same software, it would further facilitate automating the installation process because the configuration file associated with each of the servers can be pre-configured to reflect the differences.

6. As to claim 2, Rogers in view of Paxhia and Walls further teach that one of the servers is operable to program another server [Paxhia: Abstract; i.e., one of the server instance can be configured as administrative server, thereby allowing it to create another server].

7. As to claims 3-5, Rogers in view of Paxhia and Walls do not specifically teach that the communication over the first network should be secured or encrypted.

However, official notice is taken that securing transactions over network is well known in the art. Since Rogers's global server [e.g., 180, Fig.6] is a service station owner/parent company server [Rogers: paragraph 55], which communicates with the master server over the first network [e.g., the Internet] for business information such as billing, inventory, etc. [paragraphs 53 and 55].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have secured (e.g., using SSL to automatically invoke strong encryption methods) the communication over the first network, because Rogers's system uses the first network to transfer business information, which has to be protected from being intercepted by any third party.

8. As to claim 7, Rogers further teaches that the first network comprises the Internet [e.g., paragraphs 47 and 55].

9. As to claim 10, Rogers teaches that the second network comprises a local area network [paragraph 47].

10. As to claim 6, since the features of this claim can also be found in claims 1, it is rejected for the same reasons set forth in the rejection of claims 1 above. Specifically, it is obvious that the global and local masters could use either synchronous or asynchronous mode for communication when the connection exists between them, while only the asynchronous mode can be used when the interconnection is unavailable.

11. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers [U.S. Pub. 20010007086], Paxhia [U.S. Pub. 20020052935] and Walls et

Art Unit: 2783

al.(hereafter "Walls") [U.S. Pat. No. 6348933], as applied to claims 1-7 and 10 above, further in view of Saitoh et al.(hereafter "Saitoh") [U.S. Pat. No. 6038486].

12. As to claims 8-9, Rogers does not specifically teach the first network comprises a virtual or physical private network.

However, Steen teaches that virtual private network can securely stitch together a physical private network and a public network (such as the Internet) to safeguard remote access from the public network.

Since Rogers's local master may be situated in a company private network (such as LAN) and allow for remote access via the Internet [see the connection between 170 and 180 of Fig.6], it is clear that, in view of Steen's teaching, Rogers's first network may be further secured by either imposing a virtual private network over the Internet for remote access, because there is a need for securing the business information (such as billing information) transferring over the first network and the concept of virtual private network is well known for providing such security.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Brodigan [U.S. Pat. No. 6160810]; and

Crichton et al. [U.S. Pat. No. 6104716].

Art Unit: 2783

14. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday(8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)746-7239 for official communications;

(703)746-7238 for after final communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

May 27, 2003

Wen-Tai Lin
5/27/03